

Notice of Allowability

Application No.

10/727,544

Applicant(s)

TOMOYASU, MASAYUKI

Examiner

Zoila E. Cabrera

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/08/05.
2. ☒ The allowed claim(s) is/are 4,5,7-9,12,13,16,17,27-35 and 37.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 4-5, 7-9, 12-13, 16-17, 27-35 and 37 are allowed.

The following is an examiner's statement of reasons for allowance: The allowability of the claims resides, at least in part, that the closest prior art of record **Marella (US 2003/0139838)** does not disclose or suggest, alone or in combination the step of:

Regarding independent claim 5, **said control device engages said means for self-diagnosis at said measuring apparatus to execute a self-diagnosis if an error in the measurement value indicating the processing results relative to the target value is judged to be equal to or greater than a predetermined value, and resets the processing condition for said processing apparatus in correspondence to the error in the measurement value relative to the target value if the error is judged to be equal to or greater than a predetermined value, only if said measuring apparatus is determined to be error-free based upon the results of the self-diagnosis**, in combination with the other elements and features of the claimed invention.

As for independent claim 8, **said control device obtains a predictive value that predicts the processing results based upon the correlation by using operation data obtained through processing executed on a workpiece other than the workpiece for which the correlation has been ascertained, and engages said means for self-diagnosis at said measuring apparatus to execute a self-diagnosis**

if an error in the measurement value indicating the processing results relative to the predictive value is judged to be equal to or greater than a predetermined value and re-ascertains the correlation only if said measuring apparatus is determined to be error-free based upon the results of the self-diagnosis, in combination with the other elements and features of the claimed invention.

As for independent claim 13, engaging in a self-diagnosis operation if the error in the first workpiece measurement value indicating the processing results relative to the target value is determined to be equal to or greater than a predetermined value, and resetting the processing condition for said processing apparatus in correspondence to the error, if the error is determined to be equal to or greater than the predetermined value only if said measuring apparatus is judged to be error-free based upon the results of the self-diagnosis operation, in combination with the other elements and features of the claimed invention.

As for independent claim 16, engaging in a self-diagnosis operation by said measuring apparatus if the error in the measurement value indicating the processing results relative to the predictive value is equal to or greater than the predetermined value to determine if said measuring apparatus is error-free; and regenerating the correlation, if the error in the measurement value relative to the predictive value is judged to be equal to or greater than a predetermined value, only if said measuring apparatus is judged to be error-free based upon the results of the self-diagnosis operation, in combination with the other elements and features of the claimed invention.

As for independent claim 27, **transferring a workpiece to said measuring apparatus by said transfer apparatus, executing a measurement processing by said measuring apparatus on the workpiece, and setting the processing condition for said processing apparatus based upon the results of the measurement processing executed by said measuring apparatus while said measuring unit undergoes maintenance work**, in combination with the other elements and features of the claimed invention.

As for independent claim 37, **to engage said means for self-diagnosis at said measuring apparatus to execute a self-diagnosis if an error in the measurement value indicating the processing results relative to the predictive value is judged to be equal to or greater than a predetermined value, to regenerate the correlation only if said measuring apparatus is determined to be error-free based upon the results of the self-diagnosis**, in combination with the other elements and features of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

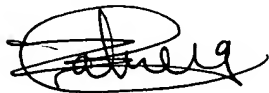
Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zoila E. Cabrera whose telephone number is 571-272-

Art Unit: 2125

3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 2723749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

A handwritten signature in black ink, appearing to read 'Zoila Cabrera', enclosed within a hand-drawn oval.

Zoila Cabrera
Patent Examiner
December 23, 2005